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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,684	08/18/2000	Eiji Ogawa	Q58695	7102

7590 07/29/2003
Sughrue Mion Zinn MacPeak & Seas PLLC
2100 Pennsylvania Avenue N W
Washington, DC 20037-3202

EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/640,684

Applicant(s)

OGAWA, EIJI

Examiner

Javid A Amini

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.


Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Javid A Amini
Examiner
Art Unit: 2672

Continuation of 5. Applicant on page 2, lines 15-17 of remarks filed on July 9, 2003, discloses that the examiner repeated the claim rejections from the previous office action. The reason is as follow: The proposed amendment claims on page 9, filled on Feb. 5, 2003, of previous amendment does not place the application in condition for new rejection. Applicant discloses that the examiner failed to identify the antecedent basis problem with the claims, Contrary the problem is very clear refer to previous office action (mailed on April 9, 2003) on page 9, the rejection of 35USC 112 indicats that claims 1 and 15 contain the phrase "signal value". There are two different values are cited in the claims (low signal value; and high signal value) it is uncertain what values applicant considers as a low and a high values in this application. Applicant should provide the signal value not the percentage values. Applicant discloses on page 4 of remarks lines 5-12 that "the examiner cannot maintain both of these conflicting assertions" the argument is about the reference Neitzel that illustrates a low signal and high signal values, but the examiner stated that Neitzel does not explicitly specify the low and high signal values. Meaning, Neitzel does not explicitly specify singal values. Applicant should work more on the claim language to make them precise and clearer in respect to subject matter, than arguing the reference Geddes that illustrates a current changing over time. And also applicant arguing in claim 1 a change in a logarithmic value of output. That is why examiner combined the two references Neitzel and Geddes, because Neitzel discloses performing a logarithmic transformation. Above that a person skilled in the art would know the conversion of any data to logarithmic data. Applicant requested from examiner to explain Fig. 2C of Neitzel. Neitzel illustrates two range values of -0.6 to +0.6 (reminder: not specified as a signal values), meaning the values S are limited to the range in which the function T1 is defined.



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